

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORMA EVANS,

Docket No.:

Plaintiff,

NOTICE OF REMOVAL

- against -

U.S. UNDERWRITERS INSURANCE COMPANY,

Defendant.
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Defendant, U.S. UNDERWRITERS INSURANCE COMPANY, hereby file this Notice of Removal of the above-described action to the United States District Court for the Southern District of New York from the Supreme Court of the state of New York, Westchester County, where the action is now pending and states:

1. The action was commenced by plaintiff NORMA EVANS ("plaintiff") in the Supreme Court of the State of New York, Westchester County, and is now pending in that Court, under Index No. 69765/2018, a copy of which is annexed as Exhibit "A".

2. This action was commenced by service of a summons and complaint dated November 30, 2018 and filed on November 30, 2018. See Affidavit of Service as part of Exhibit "A".

3. Service of the suit was made on the defendant on December 11, 2018

4. U.S. UNDERWRITERS INSURANCE COMPANY first received notice of this action on December 11, 2018.

5. This action is a civil action seeking declaratory relief as to insurance coverage and to enforce a judgment obtained by plaintiff in an action filed in the Supreme Court of the State of New York, Westchester County, under index number 52426/2012, against in that U.S. UNDERWRITERS

INSURANCE COMPANY an insured of U.S. UNDERWRITERS INSURANCE COMPANY under a policy of insurance under which U.S. UNDERWRITERS INSURANCE COMPANY issued to 120 East Prospect Avenue, LLC, but has denied coverage based upon late notice and prejudice.

6. The Southern District of New York embraces Westchester County of the State of New York, where the underlying action was brought, this action was brought, and the plaintiff resides.

7. This action does not fall within any class of action which is prevented from or limited in the right of removal.

8. The United States District Court for the Southern District of New York has jurisdiction over this action by reason of the diversity of citizenship of the parties.

9. Plaintiff NORMA EVANS is a citizen of New York, residing at 40 East Sidney Avenue, Apt. 6H, Mount Vernon New York 10550.

10. Defendant U.S. UNDERWRITERS INSURANCE COMPANY is an insurance company which is a citizen of North Dakota and Pennsylvania in that U.S. UNDERWRITERS INSURANCE COMPANY is organized and incorporated under the laws of the state of North Dakota and has its principal place of business in Pennsylvania at 1190 Devon Park, Wayne Pennsylvania 19087.

11. The amount in controversy exceeds \$75,000 in that plaintiff is seeking in this action asserted against U.S. UNDERWRITERS INSURANCE COMPANY to enforce and collect, against the insurance policy issued to in that U.S. UNDERWRITERS INSURANCE COMPANY, on the judgment obtained in an action filed in the Supreme Court of the State of New York, Westchester County, under index number 52426/2012, against 120 East Prospect Avenue, LLC, in the amount of \$150,000 in 2013, as well as interest and other relief.

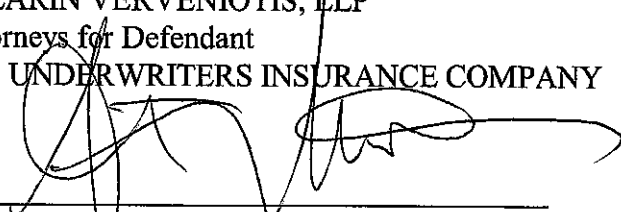
12. A copy of all process, pleadings and orders served upon the defendant in this action are annexed hereto as aforesaid.

13. The defendants will give written notice of the filing of this notice as required by 28 U.S.C. 1446(d), and file a copy of this notice with the clerk of the Supreme Court of the State of New York, Westchester County as required therein.

14. In view of the foregoing, defendant requests that the above-described action, now pending in the Supreme Court of the State of New York, Westchester County, be removed therefrom to this Court.

Dated: Mineola, New York
January 4, 2019

MIRANDA SAMBURSKY SLONE
SKLARIN VERVENIOTIS, LLP
Attorneys for Defendant
U.S. UNDERWRITERS INSURANCE COMPANY



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